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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,835	03/12/2001	Martin Ryzl	16159.012001; P5534CNT	9990
32615	7590	10/05/2005	EXAMINER	
OSHA LIANG L.L.P./SUN			CRAIG, DWIN M	
1221 MCKINNEY, SUITE 2800			ART UNIT	
HOUSTON, TX 77010			PAPER NUMBER	

2123

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,835

Applicant(s)

RYZL, MARTIN

Examiner

Dwin M. Craig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 have been presented for reconsideration in view of Applicant's amended claim language, arguments and Request for Continued Examination, RCE under 37 CFR 1.114. Claims 16-18 have been presented for Examination.

2. Dwain Craig is the Examiner of record. Eduardo Garcia-Otero is no longer the Examiner of record.

Response to Arguments

3. The Applicant's arguments provided in the 7/6/2005 responses have been fully considered. The Examiners response is as follows.

3.1 The Examiner has found Applicant's arguments to be persuasive and withdraws the earlier prior art rejections of the claims.

3.2 An updated search has revealed new art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-18 are rejected under 35 USC § 102(b) as being anticipated by US Patent 5,600,790 Barnstijn et al.

4.1 As regards independent claims 1, 7 and 11 and using independent claim 1 as an example, the *Barnstijn et al.* reference discloses, "*An apparatus for facilitating development of an*

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application for an entire wireless-connected device, comprising:" (Figure(s) 3, 4 & 5, Col. 4 lines 42-64), *"a module having a plurality of development tools for use in the creation of the application; and"* (Figure 5 item 509, Col. 11 lines 35-40), *"an emulator of the entire wireless-connected device integrated with the module"* (Figure 4), *"wherein the emulator executes the application,"* (Col. 3 lines 22-30), *"wherein the entire wireless-connected device comprises; an input device; an output device; and a processor configured to accept input from the input device, process the input and send a result to the output device based on the application."* (Figures 1-9 and Col. 7 lines 38-63, *et seq.*).

4.2 As regards dependent claims 2, 3, 8, 9, 13 and 14 the *Barnstijn et al.* reference discloses the use of Microsoft™'s C/C++ and Borland™'s C++ development tools which both contained Integrated Development Environments (Col. 11 lines 35-40) and are a plurality of development tools, and pull down menus.

4.3 As regards dependent claim 4, the *Barnstijn et al.* reference discloses execution of the Application on the target platform (Col. 3 lines 22-30, *et seq.*).

4.4 As regards dependent claims 5, 10 and 15 the *Barnstijn et al.* reference discloses a plurality of wireless devices that can be emulated (Col. 4 lines 42-53).

4.5 As regards dependent claim 6 the *Barnstijn et al.* reference discloses a plurality of applications (Figure 3).

4.6 As regards dependent claim 16-18 the *Barnstijn et al.* reference discloses a display screen and a keypad (Figure 1).

4.7 As regards dependent claim 12 the *Barnstijn et al.* reference discloses a computer monitor to display the debug information (Figure 4 item 401).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 USC 102(e) as being anticipated by US Pat. Pub.

2002/0103881 *Granade et al.* reference.

5.1 As regards independent claims 1, 7 and 11 and using independent claim 1 as an example, the *Granade et al.* reference discloses, method of facilitating development of an application for an entire wireless-connected device (see application builder [0047]), comprising: combining, in a module, a plurality of development tools used in the creation of the application (0047 - 0050, see application builder, dialog builder also see integration builder), integrating the module with an emulator of the wireless-connected device (0028, for back end system emulator which is pad of the integrated mobile application platform); integrating the module into an Integrated Development Environment (FIG. 4, see 110 for IDE, see mobile tools suite); and using the emulator to execute the application developed using the module within the Integrated Development Environment (0028, for simulating interaction of mobile application).

5.2 As regards dependent claims 2, 3, 8, 9, 13 and 14 the *Granade et al.* reference discloses the use of Integrated Development Environments ([0050-0051] *et seq.*) and are a plurality of development tools, and pull down menus ([0074-0075] *et seq.*).

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5.3 As regards dependent claim 4, the *Granade et al.* reference discloses execution of the Application on the target platform ([0010]).

5.4 As regards dependent claims 5, 10 and 15 the *Granade et al.* reference discloses a plurality of wireless devices that can be emulated (Figure 1 items listed in 106).

5.5 As regards dependent claim 6 the *Granade et al.* reference discloses a plurality of applications (Figure 9 items 902, 904, 906 and 908).

5.6 As regards dependent claim 16-18 the *Granade et al.* reference discloses a display screen and a keypad (Figure 106 item labeled "PDA"). PDA's have display screens and keypads.

5.7 As regards dependent claim 12 the *Granade et al.* reference inherently discloses a computer monitor to display the debug information ([0026]).

Conclusion

6. Claims 1-18 are rejected. This Office Action is Non-Final.


6.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M. Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC


Paul L. Rodriguez 9/30/05
Primary Examiner
Art Unit 2125